

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WEIJIE WENG,

Plaintiff,

-v-

DOES 1-35, *et al.*,

Defendants.

22-CV-7082 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

I. Clarification on Termination of Temporary Restraining Order

Plaintiff Weijie Weng (“Mr. Weng”) filed this action on August 18, 2022. (ECF No. 1.)

On December 29, 2022, the Court entered a Temporary Restraining Order against Defendants, enjoining Defendants from infringing any copyrighted work owned by Mr. Weng and ordering a freeze of assets in Defendants’ accounts held by third parties until further order by the Court. (ECF No. 14.)

On January 9, 2023, the Court entered an order rescinding the Temporary Restraining Order as to certain Defendants. (ECF No. 43.) On January 12, 2023, the Court then terminated the Temporary Restraining Order as to all Defendants. (ECF No. 57 at 18.)

The Court hereby clarifies that the Temporary Restraining Order, including the order to third parties to freeze assets in Defendants’ accounts, has been terminated as of January 12, 2023. Since then, the Court has twice denied motions by Mr. Weng seeking a preliminary injunction (ECF Nos. 56, 89), and it concluded that Mr. Weng’s second motion “offer[ed] nothing new of substance” relative to the first motion (ECF No. 89). There is no additional motion for a preliminary injunction pending before the Court at this time. As a result, there is no

basis in the Court's orders for a continued hold or freeze on any of Defendants' financial accounts held by third parties, including on accounts held by Amazon.

It is hereby ORDERED that, within 24 hours, Mr. Weng shall notify any third party to which he previously provided notice of the Temporary Restraining Order, including Amazon, that the order has been terminated and is no longer in effect.

It is further ORDERED that, within 24 hours, Mr. Weng shall file on the docket proof of having sent such notification to third parties, including Amazon.

II. Order to Show Cause for Failure to Serve

This action was filed on August 18, 2022. (ECF No. 1.) Rule 4(m) of the Federal Rules of Civil Procedure requires a defendant to be served with the summons and complaint within ninety days after the complaint is filed. To date, Mr. Weng has not served any of the remaining Defendants in this case.

It is hereby ORDERED that Mr. Weng shall advise the Court in writing why he has failed to serve the summons and complaint on Defendants within the ninety-day period, or, if Defendants have been served, when and in what manner such service was made. If no written communication is filed by December 7, 2023 showing good cause why such service was not made within ninety days, the Court will dismiss the case.

III. Pending Motions

Mr. Weng's pending letter motions are denied as moot in light of the Court's order for Mr. Weng to show cause for his failure to serve Defendants. (See ECF Nos. 90, 91, 92, 99, 100, 101, 102, 103, 105.)

As discussed on the telephone conference held on November 16, 2023, Mr. Weng is also reminded that this Court has not observed any objectionable behavior by any of Defendants'

counsel, including counsel for Defendants Zoetop Business Co. Limited and Shein Distribution Corp., that would justify any complaint for unethical or sanctionable behavior.

The Clerk of Court is directed to close the motions at ECF Numbers 90, 91, 92, 99, 100, 101, 102, 103, and 105.

SO ORDERED.

Dated: November 16, 2023
New York, New York



J. PAUL OETKEN
United States District Judge